

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

KESLIE STEWART (CABN 184090)  
Assistant United States Attorney

1301 Clay Street, Suite 340S  
Oakland, CA 94612  
Telephone: (510) 637-3680  
Fax: (510) 637-3724  
E-Mail: Keslie.Stewart@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-10-00395 PJH
	)	
v.	)	STIPULATION AND ORDER
	)	EXCLUDING TIME FROM JANUARY
JAMES DELBERT MCCONVILLE,	)	24, 2011 TO FEBRUARY 2, 2011 FROM
a/k/a Delbert James McConville,	)	SPEEDY TRIAL ACT CALCULATION
	)	(18 U.S.C. §§ 3161(h)(7)(A) and (B))
Defendant.	)	
	)	
	)	

The parties were scheduled to appeared before Magistrate Judge Donna M. Ryu on January 20, 2011, for status. Defense counsel could not appear that day, because a tree fell through his home. The parties are jointly requesting that the matter be put on Magistrate Judge Beeler's calendar for February 2, 2011 at 9:30 a.m. for status and that time be excluded based on continuity of defense counsel as well as defense counsel's ongoing need for effective preparation, taking into account due diligence.

Moreover, given the voluminous nature of the discovery the parties agree that the matter should be continued to February 2, 2011, at 9:30 a.m. and that time should be excluded for the effective preparation of counsel. Accordingly, the parties further agree that it is unreasonable to

1 expect adequate preparation for pretrial proceedings or trial within the time limits of the Speedy  
2 Trial Act.

3 The parties therefore stipulate to the following:

4 1. This matter is complex within the meaning of the Speedy Trial Act and an  
5 exclusion of time for effective preparation of counsel is appropriate to allow defense counsel  
6 time to review the voluminous discovery, taking into account the exercise of due diligence.

7 2. The parties further agree that the ends of justice served by excluding the period  
8 from January 20, 2011, through February 2, 2011, from Speedy Trial Act calculations outweighs  
9 the interests of the public and the defendants in a speedy trial by allowing time for the defense  
10 effectively to prepare the case, in accordance with 18 U.S.C. §§ 3161(h)(7)(A) and (B).

11 SO STIPULATED.

12 Dated: January 24, 2011

13 /s/  
KESLIE STEWART  
Assistant United States Attorney

14 Dated: January 24, 2011

15 /s/  
DAVID KENNER  
Counsel to Defendant McConville

17 **ORDER**

18 Based on the stipulation of the parties and good cause appearing, the Court finds that the  
19 ends of justice served by excluding the period from January 20, 2011, through February 2, 2011,  
20 from Speedy Trial Act calculations outweighs the interests of the public and the defendant in a  
21 speedy trial by allowing time for the defense effectively to prepare the complex case, in  
22 accordance with 18 U.S.C. § 3161(h)(7)(A) and (B). Accordingly, this matter is ordered set for  
23 status before Magistrate Judge Laurel Beeler on February 2, 2011 at 9:30 a.m. and the time from  
24 January 20, 2011, through February 2, 2011, shall be excluded from the Speedy Trial Act  
25 calculations, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B).

26 IT IS SO ORDERED.

27 DATED: 1/25/2011

28   
HON. DONNA M. RYU  
United States Magistrate Judge